

EXHIBIT C

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JAMES HAYDEN,

CASE NO: 1:17CV2635

Plaintiff,

v.

2K GAMES, INC., et al.,

Defendants.

Deposition of JAMES HAYDEN

Cleveland, Ohio

Wednesday, October 30, 2019 - 9:04 a.m.

Reported by:

Angela Nixon, RMR, CRR

Job No.: 26345

1 A. No, not too much.

2 Q. But you've done that sometimes, though, right?

3 A. Yeah.

4 Q. Have you produced all communications with
5 Mr. James, Mr. Green and Mr. Thompson?

6 A. I think so.

7 Q. Have you produced all communications with any
8 representatives of them?

9 A. Yes.

10 Q. Have you ever spoken to Mr. James or any of his
11 representatives about this lawsuit?

12 A. Randy Mims.

13 Q. Who's Randy Mims?

14 A. He's -- I think he's LeBron's agent, one of --
15 one of his agents.

16 Q. And when did you speak to Mr. Mims?

17 A. A few months ago.

18 Q. Did you reach out to him, did he reach out to
19 you?

20 A. I reached out to him.

21 Q. Why?

22 A. It was regards to a contract with Warner
23 Brothers.

24 Q. Did you have a conversation with him about this
25 lawsuit?

1 A. These were designs that I currently have
2 copyrights to that I -- I did on LeBron.

3 Q. And did you -- so these were -- which designs did
4 you put on the shoes?

5 A. There was a lion on the front of the toe of, I
6 think the right shoe, and then a crown, just like the one
7 on his shoulder on the other -- left front of the shoe. It
8 said family on one side of the shoe and loyalty just like
9 the ones that are on the side of his body.

10 Q. So these were -- I'm trying to understand. These
11 were additional tattoos that you had inked on LeBron, or
12 were these part of the ones that you're already suing
13 about?

14 A. There was -- there were some additional designs
15 on the side of the shoes just like the side of his body,
16 yeah.

17 Q. So the shoes didn't have pictures of Mr. James on
18 them, they just had these images, parts of these designs?

19 A. Yes. Yes.

20 Q. And I take it that this agreement, Exhibit 26,
21 had nothing to do with video games, right?

22 A. No, there's no avatar production in these
23 video -- or video game production of this release here.

24 Q. Yeah, this was about the shoes?

25 A. Yes.

1 A. No, just the tattoos that I did.

2 Q. So that's my question. Did you, in doing these
3 mannequins, did you ink tattoos that other people had inked
4 on Mr. James, or just yours?

5 A. These are just my tattoos that I did on LeBron.

6 Q. Do you know if there were any tattoos that were
7 visible in the area on the mannequins that somebody else
8 had done?

9 A. Not that I know of.

10 Q. And were you paid \$2,600 for preparing the
11 mannequin for China, 1,300 for London, and 2,600 for WHQ?

12 A. Correct.

13 Q. And in order to do this, did you have to -- did
14 you do this work in Cleveland, or did you have to fly
15 somewhere?

16 A. I did it at -- I think this was done at the
17 headquarters in Oregon, in Portland.

18 Q. So you flew out there and you -- did you use an
19 air brushed paint that -- for the tattoos on the
20 mannequins?

21 A. I used air brush and paint brushes.

22 Q. And then looking at what we'll mark as Exhibit
23 28, this is bearing Bates Number Hayden 1751. It appears
24 to be an e-mail exchange of October 9th, 2009 from
25 Mr. Patton to you. Do you recognize that as an e-mail you

1 got from him?

2 A. Yes.

3 Q. And in it it says, (Reading:) Listen, Nike would
4 like to request your special services again for the air
5 brushing of tattoos on a new LeBron mannequin. Do you see
6 that?

7 A. Yes.

8 Q. And did you understand that Nike was contracting
9 with you to air brush these designs on the mannequins?

10 A. Yes.

11 Q. And did you, in fact, enter into another
12 mannequin project for them after the first one?

13 A. Yes, I did.

14 Q. So let's take a look at what's been marked as
15 Exhibit 29, Hayden 388. Is that a picture of the -- one of
16 the mannequins of Mr. James that you airbrushed tattoos on?

17 A. Yes.

18 Q. And under his arms it says what we do in life and
19 echos in eternity, do you see that?

20 A. Yes, I do.

21 Q. Did you ink those phrases on Mr. James?

22 A. Yes.

23 Q. They're not part of this lawsuit, though,
24 correct?

25 MR. MCMULLEN: Objection.

1 A. Correct.

2 Q. Is it fair to say this mannequin project was not
3 about video games?

4 MR. MCMULLEN: Objection.

5 A. I don't think so.

6 Q. All right. Let me show you what's been marked as
7 Exhibit 30, Hayden 1780, what appears to be an e-mail
8 exchange between a Saeyoung Kim and you dated October 29th,
9 2013. Do you recognize that as an e-mail exchange you
10 recorded?

11 A. Yes.

12 Q. And it says Saeyoung Kim worked for an ad agency,
13 is that your understanding?

14 A. Yes.

15 Q. And was this about the fact, as I think you had
16 mentioned earlier, that you yourself appeared in a TV
17 commercial for Samsung with LeBron James?

18 A. Yes.

19 Q. And did -- did you understand that the ad agency
20 wanted you to sign a screen actors guild contract for you
21 to appear in that commercial?

22 A. Yes.

23 Q. And did you end up signing a screen actors guild
24 contract to appear in the commercial?

25 A. I believe so.

1 Q. And it says, (Reading:) The Material, Use of
2 tattoos by James N. Hayden on Machine Gun Kelly for use in
3 the picture. Do you see that?

4 A. Yes.

5 Q. Was Machine Gun Kelly going to being in a motion
6 picture called Blackbird?

7 A. Yes.

8 Q. And was he going to be -- and did you ink any new
9 tattoos on him for that motion picture?

10 A. No.

11 Q. And was it your understanding that this was about
12 getting your permission to use his preexisting tattoos in
13 this Blackbird motion picture?

14 A. Yes.

15 Q. And did -- how did this come about, did the
16 movie -- did Blackbird LLC reach out to you, did Mr. Kelly
17 put them in touch, how did this come about?

18 A. I'm not sure.

19 Q. And were you paid \$500 for use of the tattoos in
20 the motion picture?

21 A. I think so.

22 Q. Let's take a look at what's been marked as
23 Exhibit 32, a document bearing Bates Number Hayden 1845.
24 Does this appear e-mail exchange that you were copied on
25 between Nadeen Nassar and Barbara Zuckerman dated

1 sure whether this was it?

2 MR. MCMULLEN: Objection.

3 A. This -- this wasn't -- this doesn't look like the
4 one from ten years ago.

5 Q. Okay. And can you describe for me what the one
6 from ten years ago looked like?

7 A. I cannot. I don't remember what it looked like.
8 Doesn't look like this, though, looked more like a -- like
9 a regular playing card.

10 Q. You can't remember -- you can't describe what it
11 looked like, but you knew it didn't look like this, is that
12 your testimony?

13 MR. MCMULLEN: Objection.

14 A. Yes, basically.

15 Q. Now, besides your communications with Randy Mims,
16 have you ever had communications with anyone else about
17 this lawsuit?

18 A. No.

19 Q. Before you brought this lawsuit, did you discuss
20 suing Take-Two from anyone other than your attorneys?

21 A. Ask -- ask me that question again.

22 Q. Sure. Before you brought this lawsuit, did you
23 discuss the possibility of suing Take-Two with anyone other
24 than your attorneys?

25 A. No.